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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,957	12/13/2001	John Sheridan Richards	600.1175	6980
23280	7590	10/07/2003	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,957

Applicant(s)

RICHARDS, JOHN SHERIDAN

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 8, 10, 14, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,385,659 to Tornberg in view of U.S. Patent No. 4,381,106 to Loebach.

With respect to claim 1, Tornberg shows a method for combining folios between a first and a second web in a rotary printing press, the method comprising cutting a first folio from a third web, W-2, in the rotary press, see page 2, column 2, lines 53-55, storing the first folio on a storage device, see page 3, column 1, lines 49-72, and transferring the first folio from the storage device to a position between the first and second webs, see page 3, column 2, lines 56-64.

Tornberg does not teach that the method further comprises cutting a second folio from the third web, the storing step includes storing the second folio in a stacked relationship relative to the first folio on a precollect cylinder, and the transferring step includes simultaneously transferring the stacked first and second folios from the precollect cylinder to the position between the first and second webs.

Loebach teaches a method of combining folios on a precollect cylinder, 22, wherein a first folio and second folio are cut, stored in a stacked relationship on the

precollect cylinder and transferred simultaneously from the precollect cylinder. See column 4, lines 7-31.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the precollect cylinder method of Loebach with the method of Tornberg in order to be able to collect the folios in a stacked relationship and deliver them between the webs.

With respect to claim 3, Tornberg teaches moving the first, second, and third webs through the press at a same speed. See page 4, column 1, lines 11-15.

With respect to claims 8 and 10, Tornberg shows a device for combining folios between first and second webs in a rotary printing press, the device comprising a cutting cylinder, 97, configured to cut a first folio from a third web, W-2, a storing device in operative connection with the cutting cylinder, the storing device configured to store the first folio, see page 3, column 1, lines 49-68, and a positioning device, 119, adjacent the storing device configured to transfer the stored first folio from the storing device to a position between the first and second webs. See page 3, column 2, lines 20-28.

Tornberg does not teach that the device is configured to cut a second folio from the third web, the storing device includes precollect cylinder configured to store the first and second folios in a stacked relationship, or the positioning device is configured to transfer the stored first and second folios from the storing device to a position between the first and second webs.

Loebach teaches a device for combining folios on a precollect cylinder, 22, wherein a first folio and second folio are cut, stored in a stacked relationship on the precollect cylinder and transferred simultaneously from the precollect cylinder. See column 4, lines 7-31.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the precollect cylinder device of Loebach in place of the storing device of Tornberg in order to be able to collect the folios in a stacked relationship and deliver them between the webs.

With respect to claim 14, Tornberg does not teach that the precollect cylinder includes grippers for holding the first and second folios against a circumference of the precollect cylinder.

Loebach teaches grippers, 50, for holding first and second folios against a circumference of a precollect cylinder. See column 4, lines 7-21.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the grippers of Loebach with the modified storing device of Tornberg in order to be able to collect and hold the folios in a stacked relationship in the storing device.

With respect to claim 16, Tornberg teaches the positioning device includes a belt, 119, mounted on a plurality of belt rollers. See page 3, column 2, lines 20-28.

With respect to claim 17, Tornberg shows a web product, moveable in a rotary printing press, the web product comprising, a first web, W, a second web, W-1, and a first folio cut from a third web, W-2, wherein the first folio is sandwiched between the first and second webs. See page 3, column 2, lines 61-64.

Tornberg does not show a second folio, cut from the third web, stacked relative to the first folio and sandwiched between the first and second webs.

Loebach teaches a device wherein a first folio and second folio are cut, stored in a stacked relationship on a precollect cylinder, 22, and transferred simultaneously from the precollect cylinder. See column 4, lines 7-31.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the method and device of Loebach to modify the method and device of Tornberg by adding a second folio to the web product sandwiched between the first and second webs in order to be able to have the sheets provided already collected for further processing.

With respect to claim 20, Tornberg teaches that the transferred folios are aligned with a respective folio image of at least one of the first and second webs. See page 3, column 2, lines 67-69.

3. Claims 4, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tornberg in view of Loebach as applied to claims 1, 3, 8, 10, 14, 16, 17 and 20 above, and further in view of U.S. Patent No. 1,968,630 to Barber.

With respect to claims 4 and 19, Tornberg as modified by Loebach teaches all that is claimed as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20 except for cutting a third folio from a fourth web, cutting a fourth folio from a fourth web, storing the third and fourth folios in a stacked relationship relative to one another and relative to the first and second folios on a precollect cylinder, and transferring the stacked first, second, third and fourth folios simultaneously from the precollect cylinder.

There appears to be no unobviousness in performing a plurality of identical steps for achieving an identical product. It would have been obvious to one having ordinary skill in the art at the time of the invention to cut and store a fourth web, since the step is already known with respect to the third web. Furthermore, Barber teaches that it is known to cut and collect four webs onto a collecting apparatus.

With respect to claim 13, Tornberg, as modified by Loebach, teaches all that is claimed, as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20 except that the precollect cylinder includes pins for holding the first and second folios against a circumference of the precollect cylinder.

Barber teaches a precollect cylinder, 9, having pins for holding the folios against a circumference of the cylinder. See page 1, lines 72-76.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the precollect cylinder of Tornberg and Loebach to have pins, as Barber teaches this is an effective structure for holding folios against the cylinder.

4. Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tornberg in view of Loebach as applied to claims 1, 3, 8, 10, 14, 16, 17 and 20 above, and further in view of U.S. Patent No. 4,564,470 to Schmitt.

With respect to claims 5 and 11, Tornberg, as modified by Loebach, teaches all that is claimed, as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20 except that the precollect cylinder has a circumference that is equal to a length of one of three folios, five folios and seven folios.

Schmitt teaches a precollect cylinder having a circumference equal to a length of three folios.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the precollect cylinder of Tornberg, as modified by Loebach, to have a circumference equal to a length of three folios, as Schmitt teaches this is a useful size for collecting and delivering folios.

With respect to claim 12, Tornberg, as modified by Loebach, teaches all that is claimed, as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20, except that a print cylinder includes a printing plate with at least two folio images arranged circumferentially.

Schmitt teaches a print cylinder with a printing plate with at least two folio image arranged circumferentially. See column 4, lines 18-21.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Tornberg to have a print cylinder with at

least two folio images arranged circumferentially because Schmitt teaches it is useful to print webs for associating using such a printing cylinder.

With respect to claim 6, Tornberg, as modified by Loebach, teaches all that is claimed, as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20, except that the cutting step is performed using a cutting cylinder having a circumference that is one-half a circumference of a printing cylinder.

It would have been obvious to one having ordinary skill in the art at the time of the invention that, using a printing cylinder having two folio images arranged circumferentially as taught by Schmitt, a cutting cylinder having a circumference one-half the circumference of the printing cylinder would be effective for cutting each folio.

Furthermore, the optimum dimension of the cutting cylinder could readily be determined by one of ordinary skill in the art through routine experimentation and does not appear to require any unobviousness.

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tornberg in view of Loebach as applied to claims 1, 3, 8, 10, 14, 16, 17 and 20 above, and further in view of U.S. Patent No. 4,015,837 to Ostler.

Tornberg, as modified by Loebach, teaches all that is claimed, as in the above rejection of claims 1, 3, 8, 10, 14, 16, 17 and 20, except for providing an electrostatic charge to at least one of the first web, the second web, the first folio, or a second folio

so as to enable an adhesion between the first and second folios and at least one of the first and second webs.

Ostler teaches providing an electrostatic charge to a paper web so as to enable an adhesion between the web and folios to be attached to it. See column 2, lines 18-23.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify Tornberg using the electrostatic charge device of Ostler in order to cause the folios to better adhere to the webs as they are associated.

Response to Arguments

6. Applicant's arguments filed July 16, 2003 have been fully considered but they are not persuasive.

In response to the argument that, because Loebach shows folios from all webs in a stacked relationship, the reference does not teach simultaneously transferring the stacked folios from the precollect cylinder to the position between the webs, Loebach is only being relied upon to teach simultaneous transfer of the folios, not positioning them between the webs. Tornberg teaches cutting a folio, storing a folio and transferring the folio to a position between two webs. Loebach teaches cutting, storing and simultaneously releasing two stacked folios. One having ordinary skill in the art would recognize that using the teachings of Loebach would allow the addition of a second folio to the process of Tornberg, simultaneously positioning both folios between the webs, as taught by Tornberg.

In response to the argument that Tornberg teaches away from simultaneously transferring the stacked first and second folios between the first and second webs because Tornberg teaches the collection of sheets downstream of the accelerating mechanism, one having ordinary skill in the art would recognize that the collection of first and second folios between the webs, as claimed and as suggested by the teachings of Loebach, does not preclude further collecting of sheets downstream of the accelerating mechanism as taught by Tornberg. Therefore, the two teachings do not contradict each other.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2854

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec

A handwritten signature in black ink, appearing to read 'Dan Colilla', with a stylized flourish at the end.

Dan Colilla
Primary Examiner
Art Unit 2854